

The Commonwealth of Massachusetts
Public Employee Retirement Administration Commission
John W. McCormack Building, Room 1101
One Ashburton Place Boston, MA 02108
(617) 727-9380

M E M O R A N D U M

TO: All Retirement Boards

FROM: Executive Director John J. McGlynn

RE: Early Intervention Guidelines

DATE: January 17, 1997

Legislation amending chapter 306 has been signed into law. It includes a delay in the implementation of the Early Intervention Programs mandated by chapter 306. Those programs are now to be developed and put in place by July 1, 1997. PERAC must provide guidelines to the retirement boards to assist in the development of the programs by February 1, 1997. Retirement boards are to create plans which include projection of costs by March 15, 1997. PERAC is to file the cost projections with the House and Senate Ways & Means Committees and the Public Service Committee by March 19, 1997.

These guidelines are designed to assist you in meeting the statutory requirements regarding early intervention. In developing the Early Intervention Plan it is suggested that the Board in conjunction with the relevant departments of the governmental unit or units determine the strategies presently in place to reduce workplace injuries. In particular the Board may wish to contact the department responsible for workers' compensation and review the efforts of that department and the worker's compensation insurer. It is possible that existing practices may satisfy some of the guidelines outlined. These guidelines will form the basis of PERAC's decision to accept or reject your Early Intervention Plan.

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The statute sets forth three goals for the programs:

1. continued employment of disabled members
2. reasonable accommodation of disabled members
3. a safer workplace

Essentially these goals reflect a directive to accommodate injured employees and to establish strategies to reduce work related injuries.

GENERAL PLAN

The elements of the total program include work force preventive measures and specific assistance to injured members. The general plan is formulated by the retirement board after consultation with local officials and union representatives. **Each general plan must be approved by PERAC.**

The components of the general plan must include:

1. an employee assistance program for all employees - these programs are designed to assist employees in dealing with various health related issues. An employee assistance program includes help in areas such as smoking cessation programs, drug and alcohol counseling and stress management.
2. worker safety education - this aspect of the plan encompasses safety training and increasing employee awareness of the importance of safety issues
3. identification and elimination of work place hazards - this represents an important source of potential progress. The replacement of outdated equipment or furniture can reduce the potential for employee injuries.
4. procedures must be in place to accommodate injured employees - this requires the creation of Temporary Modified Work Plans in which job duties or characteristics are modified in order to enable an injured employee to return to the active work force as soon

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as possible. This may entail accommodating physical limitations and could include simply a reduction in hours.

Risk Management/Workplace Safety

The retirement board in conjunction with local officials and employee representatives should initiate a review of the existing circumstances in the area of employee injuries. A detailed report must accompany the plan submission to the Commission which outlines:

1. Safety Procedures
2. Information Management
3. Incident/Injury Reporting
4. Case Management

The plan must set forth strategies to increase employee safety awareness. These may include training, regular injury reviews, and safety teams.

The plan must directly involve management personnel and incorporate employee safety goals and objectives into the performance evaluation of managers and employees.

The plan must include analysis of past injury experience coordinated by the retirement board and conducted by the employer. This analysis should include strategies for correcting any deficiencies revealed by the review of past cases. All incidents reported should be part of the study as well as incidents that resulted in disability retirement, workers compensation or 111F.

The plan must address unsafe conditions revealed as a result of the Past Injury Analysis. In addition the plan must indicate how the workforce will be trained to avoid unsafe acts revealed in the Past Injury Analysis.

The plan must establish a process for monitoring injury or incident experience and incorporating that experience into the Injury Analysis. On the basis of that information

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the retirement board shall recommend to the employer actions necessary to correct unsafe conditions and instruct employees in how to avoid unsafe acts.

The plan must include a comprehensive information and reporting system which contains data about each incident and enables the retirement board to track individual cases and to create reports to assist in the Injury/Incident Analysis.

The plan either as part of the information and reporting system referenced above or independently must establish a data base and system to enable the recording of corrective measures and the monitoring of the effectiveness of those measures.

The plan must include a Job Safety Analysis component. This analysis must:

1. Identify Critical Jobs
 - (a) High Exposure Jobs
 - (b) Jobs Critical to Continuous operation
 - (c) New Jobs
2. Select the jobs to be analyzed
 - (a) Frequency of accidents
 - (b) Frequency of disabling injuries
 - (c) Potential for severe injuries
3. Each Job should be broken down into steps
 - (a) Beginning process of position
 - (b) Physical activities involved
 - (c) Mental activity/capacity

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4. Determine where there are potential problems
 - (a) Identify hazards
 - (b) Environmental vs. procedural
5. Develop controls for these problems
 - (a) Explore new ways to accomplish the task
 - (b) Change physical conditions
 - (c) Change procedures
6. Write a standard job procedure
 - (a) document procedures
 - (b) train personnel
7. Review and update procedures
 - (a) evaluate procedures
 - (b) compare ongoing experience to historical experience
 - (c) examine for further modifications

The plan must include a Job Safety Analysis for all positions in the covered workforce. The attached form is to be used and a copy filed with the Commission as part of the retirement board application for approval of its Early Intervention Plan.

The plan must establish procedures for regular safety reviews of the work place to uncover unsafe conditions or practices. The attached form is to be used and a copy

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reflecting an initial review of past cases filed with the Commission as part of the retirement board application for approval of its Early Intervention Plan.

Temporary Modified Work Program

The plan must establish a program to enable modification of jobs and early return to work in the same position for injured employees. In conjunction with the employer and union representatives the retirement board will review each job and assess how the job may be modified in order to enable injured workers to maintain or return to the same position. The retirement board must include a copy of a manual containing the jobs and the modification as part of its application to the Commission for plan approval. In individual cases the retirement board may deviate from the modification contained in the manual in accordance with the particular circumstances of the employee's injury or condition.

Employee Assistance Program

The retirement board, in consultation with the employer and union representatives, shall develop an Employee Assistance Program. That program shall include clinical assessment, short term counseling and referrals for health, mental health, substance abuse, child care, elder care and other issues. The plan will contain a training component for management personnel in identifying and managing troubled employees, lunchtime seminars for employees and dissemination of relevant information to employees. The application of the retirement board for approval of the Early Intervention Plan must contain an Employee Assistance Program. In the event that such a program is in existence the retirement board may submit the existing program in lieu of developing a program.

INDIVIDUAL EVALUATION

The second element of the Early Intervention Program is the rehabilitation evaluation of injured employees who are out of work for 30 or more days.

The process is as follows:

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a. Employer notifies the injured member and then notifies the retirement board when a member has been out of work for more than 30 days due to a work related injury (NOTE the employee must be a member of the retirement system). Also the notice to the board takes place only when an employee physician and an employer physician determine return to work is not imminent. If they disagree a third shall be selected and will make the determination.

b. Retirement board decides whether the member is a candidate for further review under the early intervention plan. If the answer is yes the board assembles an Early Intervention Team consisting of:

1. retirement board representative who shall be the chair
2. employer personnel director or worker's compensation director or human services director
3. **rehabilitation specialist designated by the commission**
4. representative of the members union
5. the members treating physician

The Early Intervention Team will

1. determine condition of the member.
2. make a recommendation to the board as to the member's ability to perform the essential duties of the job

The Retirement Board will:

1. determine whether member is unlikely to be able to perform the essential duties of his job

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2. if it makes such a determination it may require the member to undergo an assessment to determine if he would benefit from a medical or vocational rehabilitation program.

a. The early intervention team designs the rehabilitation program. The rehabilitation program is submitted to the board for approval.

b. Team monitors implementation of the plan and member's progress until return to work or disability retirement

3. The retirement board bears all costs associated with the assessment and the rehabilitation program.

4. The team after completion of rehabilitation program determines if the member can perform essential duties of the job. In the event the team determines that is the case the employee returns to work. If the employee cannot perform the essential duties of the job his status remains unchanged.

/sjk

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